

1 DAN M. WINDER, ESQ.  
2 Nevada State Bar No.: 001569  
3 ARNOLD WEINSTOCK, ESQ.  
4 Nevada State Bar No.: 000810  
5 **LAW OFFICE OF DAN M. WINDER, P.C.**  
6 3507 W. Charleston Blvd.  
7 Las Vegas, NV 89102  
8 Telephone: (702) 474-0523  
9 Facsimile: (702) 474-0631  
[winderdanatty@aol.com](mailto:winderdanatty@aol.com)

10 Attorney for Defendant

11

12 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA, ) Case No.: 2:20-CR- 00243-RFB-VCF  
14 vs. )  
15 RODOLFO RAFAEL RODRIGUEZ-SILVA ) **STIPULATION TO CONTINUE**  
16 Plaintiff, ) **SENTENCING**  
17 )  
18 Defendant. )  
19

20 Certification: This stipulation is filed the day of the hearing:

21 **IT IS HEREBY STIPULATED** by and between , KIMBERLY FRAYN , Assistant United  
22 States Attorney, counsel for Plaintiff, UNITED STATES OF AMERICA, Defendant, RODOLFO  
23 RAFAEL RODRIGUEZ-SILVA, by and through his counsel DAN M. WINDER, ESQ., of the LAW  
24 OFFICE OF DAN M. WINDER, PC, that the Sentencing Hearing currently scheduled for May 6,  
25 2021, be vacated and continued to a date which are convenient to this Honorable Court, not less than  
26 thirty (30) days from this date.

27 This stipulation is entered into for the following reasons:

28

1. Defendant is ill and presents symptoms consistent with COVID-19.
2. The parties agree to the continuance sought herein.
3. The Defendant does not object to the continuance in this matter.
4. The additional time requested herein is not sought for purposes of delay.
5. The additional time requested by this Stipulation is excludable in computing the time

1 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
2 United States Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States  
3 Code, Sections 3161(h)(B)(iv).

4 6. This is the fourth request for continuance of the Sentencing herein.

5 DATED this 6<sup>th</sup> day of May, 2021.

6  
7 US ATTORNEY CHRISTOPHER CHIOU

8  
9 /s/ Kimberly Frayn  
10 KIMBERLY FRAYN  
11 Assistant United States Attorney  
12 501 Las Vegas Boulevard South, Ste 1100  
13 Las Vegas, NV 89102

14 LAW OFFICE OF DAN M. WINDER, PC

15  
16 /s/ Dan M. Winder  
17 DAN M. WINDER  
18 Nevada State Bar No. 001569  
19 3507 West Charleston Blvd.  
20 Las Vegas, NV 89102

DAN M. WINDER, ESQ.  
Nevada Bar No. 001569  
ARNOLD WEINSTOCK, ESQ.  
Nevada Bar No. 000810  
**LAW OFFICE OF DAN M. WINDER, P.C.**  
3507 W. Charleston Blvd.  
Las Vegas, NV 89102  
Telephone: (702) 474-0523  
Facsimile: (702) 474-0631  
winderdanatty@aol.com

Attorney for Defendant

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, ) Case No.: 2:20-CR- 00243-RFB-VCF

Plaintiff,

VS.

RODOLFO RAFAEL RODRIGUEZ-SILVA)

Defendant.

## **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

Certification: This stipulation is filed the day of the hearing:

## **FINDINGS OF FACT**

Based on the Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant is ill and presents symptoms consistent with COVID-19.
2. The parties agree to the continuance sought herein.
3. The Defendant does not object to the continuance in this matter.
4. The additional time requested herein is not sought for purposes of delay.
5. The additional time requested by this Stipulation is excludable in computing the  
within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
States Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States  
Sections 3161(h)(B)(iv).
6. This is the fourth request for continuance of the sentencing hearing filed herein.

## CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (ii).

## ORDER

**IT IS HEREBY ORDERED** that the sentencing hearing currently scheduled for May 6, 2021, shall be and is hereby vacated and continued to the 10th day of June, 2021 at the hour of 10:00 AM.

DATED this 6th day of May, 2021.

  
RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE